

December 12, 2008

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225 South Sixth Street
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Minneapolis, MN 55402-4690

Re: *In the Matter of the Alleged Violation by Dan Theobald, d/b/a
Dan's Container Services, Ltd.*
OAH Docket No. 3-6229-20086-3

Dear Counsel:

This letter constitutes the First Prehearing Order concerning matters discussed yesterday in the telephone prehearing conference. Ms. Magers appeared for Washington County; Mr. Sheu appeared for Dan Theobald, d/b/a Dan's Container Services, Ltd. (Licensee). We set the following deadlines:

December 18, 2008: The County shall provide a privilege log to the Licensee identifying the date of each communication, all parties to the communication, a description of the document, and basis for assertion of the attorney-client privilege. Mr. Sheu will promptly bring any motion to compel production of documents if, after reviewing the privilege log, he believes the County's claim of privilege is unfounded. The County will have at least five business days to respond to any such motion.

January 23, 2009: Deadline for the parties to exchange all exhibits they intend to offer into evidence at the hearing, along with a witness list containing a brief description of the anticipated testimony of each witness. The parties should mail a copy of the exhibit and witness lists to the Administrative Law Judge by this date. If the parties wish to submit a prehearing brief, they may do so by this date. Submission of a prehearing brief is optional.

January 30, 2009: Hearing, commencing at 9:30 a.m. at the Office of Administrative Hearings (OAH), 600 North Robert Street, St. Paul, Minnesota. The hearing will be digitally recorded unless a party makes a request to the Administrative

Law Judge and agrees to pay for the services of a court reporter. Arrangements for providing a court reporter must be made through the OAH.

February 6, 2009: Deadline for submission of any post-hearing memoranda. Submission of a post-hearing memorandum is optional.

February 27, 2009: Deadline for the Administrative Law Judge to provide Findings of Fact, Conclusions, and a Recommendation to the Washington County Board.

The procedures governing the conduct of the hearing are contained in Washington County Ordinance No. 149, Section 10.3(5). The parties have agreed that the County Board may extend the 45-day deadline for holding a formal hearing (contained in Section 10.3(6)) in a manner consistent with the above schedule. The parties have also agreed that they will disclose their exhibits and witnesses by the date established in this prehearing order, as opposed to the date established in Section 10.3(5)(J) (which would have been December 11, 2008). The parties may use the subpoena request procedures available on the OAH website.

Sincerely,

s/Kathleen D. Sheehy
KATHLEEN D. SHEEHY
Administrative Law Judge
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cc: Docket Coordinator